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*Counsel for Defendant Federal Reserve Bank
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**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF WYOMING**

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|------------------------------|---|----------------------------|
| |) | |
| |) | |
| CUSTODIA BANK, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 1:22-cv-00125-SWS |
| v. |) | |
| |) | |
| BOARD OF GOVERNORS OF |) | |
| THE FEDERAL RESERVE SYSTEM & |) | |
| FEDERAL RESERVE BANK |) | |
| OF KANSAS CITY, |) | |
| |) | |
| |) | |
| Defendants. |) | |
| |) | |

**UNOPPOSED MOTION BY BOTH DEFENDANTS
FOR LEAVE TO FILE REPLY BRIEFS IN SUPPORT OF THEIR MOTIONS TO
DISMISS BY APRIL 25, 2023, AND BY DEFENDANT BOARD OF GOVERNORS OF
THE FEDERAL RESERVE SYSTEM FOR LEAVE TO FILE EXCESS PAGES**

Defendant Board of Governors of the Federal Reserve System (“Board”) and Defendant Federal Reserve Bank of Kansas City (“FRBKC”) respectfully move for leave to each file a reply brief in support of its respective motion to dismiss the First Amended Complaint by April 25, 2023, and the Board also respectfully moves for leave to allow its reply brief to be no longer than 20 pages. In support of this motion, Defendants state as follows:

1. On February 28, 2023, Plaintiff Custodia Bank, Inc. (“Custodia”) filed its First Amended Complaint (ECF No. 121), in which it brought claims against the Board and FRBKC.

2. On March 28, 2023, the Board and FRBKC separately filed motions to dismiss the First Amended Complaint (ECF Nos. 124, 126).

3. On April 7, 2023, the Court granted Custodia’s unopposed motion for leave to file one omnibus opposition to Defendants’ motions to dismiss instead of two separate briefs, and for that omnibus brief to be no longer than 35 pages (ECF No. 131). Custodia filed a 34-page omnibus opposition on April 11, 2023 (ECF No. 135).

4. Under Local Rule 7.1(b)(2)(C), reply briefs are limited to 10 pages and due by April 18, 2023.

5. Defendants recognize that Rule 7.1(b)(2)(C) provides that parties shall not file reply briefs for any motion set for hearing, and Defendants have consented to Custodia’s request for a hearing on the motions to dismiss. However, due to the important issues presented in this case, including interpretation of the Federal Reserve Act, Defendants believe the Court would benefit from reply briefs responding to Custodia’s omnibus opposition.

6. Defendants also respectfully request that they be allowed 14 days within which

to file these reply briefs, through and including April 25, 2023. This brief extension of time is warranted due to the importance and complexity of the subject matter in this case. In addition, the State of Wyoming soon will be filing a motion to intervene, and Defendants therefore will have the responsibility of drafting any opposition to that intervention motion at the same time as their reply briefs in support of the motions to dismiss.¹

7. Finally, the Board believes that an enlargement of the allowable number of pages is necessary to reply to Custodia's opposition and requests 20 pages for its reply brief. This enlargement for only the Board's reply brief is appropriate because the bulk of Custodia's 34-page opposition addresses arguments set forth by the Board, which follows from the fact that the first claim for relief in the First Amended Complaint is an alleged violation of the Administrative Procedure Act and is brought only against the Board, while there are no claims brought only against FRBKC.

8. Counsel for Defendants have met and conferred with Custodia's counsel regarding all of the relief requested above, and Custodia's counsel consent to the requested relief.

Accordingly, Defendants respectfully request that the Court grant leave for each Defendant to file a reply brief in support of its respective motion to dismiss by April 25, 2023, and also grant leave for the Board's reply brief to be no more than 20 pages. A proposed order accompanies this motion.

¹ The State of Wyoming filed its motion to intervene on April 10, 2023 (ECF No. 132), which the Court denied without prejudice because counsel for the State of Wyoming had not conferred with the parties prior to filing the motion (ECF No. 134). The parties have now conferred, and therefore the refiling of the motion to intervene is likely imminent.

Dated: April 13, 2023

Respectfully submitted,

/s/ Joshua P. Chadwick

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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2023, I electronically filed the foregoing using the court's CM/ECF system, which will send notification of such filing to all parties of record.

By: /s/ Joshua P. Chadwick
Joshua P. Chadwick

*Counsel for Defendant Board of Governors
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